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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/685,377 | 10/13/2003 | Michael Cohen | LA-6658-109.US | 4408 |

167 7590 12/17/2004

FULBRIGHT AND JAWORSKI L L P
PATENT DOCKETING 29TH FLOOR
865 SOUTH FIGUEROA STREET
LOS ANGELES, CA 900172576

EXAMINER

CHAMBERS, TROY

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3641

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/685,377 | COHEN, MICHAEL | |
| | Examiner | Art Unit | |
| | Troy Chambers | 3641 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/11/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/11/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The amendment filed 11/11/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The amendment to the written specification and the additional drawing Figures 3 and 4.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 4, 5, 6, 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6289781 issued to Cohen in view of U.S. 6082240 issued to Middione et al. ("Middione"). Cohen discloses a plurality of composite armored plates 22 for providing ballistic protection for armored vehicles as claimed by the applicant in claims 1-9. The plates are adapted for attachment (capable of attachment) to the chassis of an armored vehicle (by any means of attachment including placement on top of the vehicle) and sized to cover at least one opening contained within a vehicle. The limitation "sized to cover" is interpreted as defining the size of the plate rather than

requiring a specific orientation with respect to the opening. Cohen does not disclose an armored combat vehicle chassis having a plurality of openings. Middione discloses a modular armor mounting system for an armored vehicle 16 having openings (Fig. 2, 4 and 5). At the time of the invention, one of ordinary skill in the art would have found it obvious to provide the mounting system of Middione (including the openings in the hull of the vehicle). The suggestion/motivation for doing so would have been to avoid prior art armor mounting systems in which loads were concentrated around the mounting screws.

3. Claims 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen and Middione as applied to claims 1-9 above, and further in view of U.S. 6575075 (" '075). The combination of Cohen and Middione is described above. However, not disclosed is the addition of a third backing layer of metal. The '075 patent discloses a third backing layer 50 of aluminum. At the time of the invention, one of ordinary skill in the art would have found it obvious to provide the combination of Cohen and Middione with the backing layer of the '075 patent. The suggestion/motivation for doing so would have been to provide extra protection for the vehicle and occupants therein.

4. Claims 10, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen and Middione as applied to claims 1-9 above, and further in view of U.S. 4131053 issued to Ferguson or GB 2277141 issued to Slater. Cohen and Middione are described above. The combination does not disclose a backing layer comprising a polymeric matrix composite with reinforcing fibers, said fibers selected from the group

consisting of carbon fibers, aramid fibers and glass fibers. Both Ferguson and Slater disclose a three layer armor plate with backing layers 13 and 12, respectively. The backing layer 13 of Ferguson comprises glass fibers (col. 2, ll. 49-51). The backing layer 12 of Slater comprises glass fiber impregnated with an epoxy resin (pg. 6, ll. 20-23).

Response to Arguments

5. Applicant's arguments filed 11/11/04 have been fully considered but they are not persuasive. Specifically, applicant argues that the cited prior art does not disclose an opening. Applicant is referred to Figures 2 and 4 of Middione which discloses threaded screw holes, said holes opening the interior of the vehicle skin to the outside environment.

Conclusion

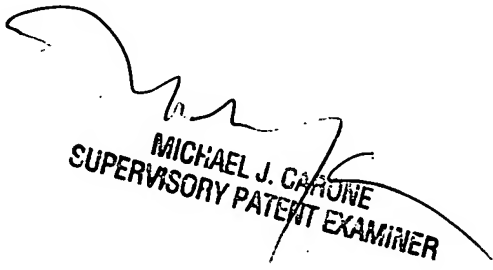
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3641

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (703) 308-5870. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (703) 306-4198.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER